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REMARKS

Claims 1, 4 – 24 and 26 are presently pending. Claims 1, 6, 19 and 26 were rejected under 35 U.S.C. § 102(b) as being unpatentable over Sykes *et al.* ('418) hereinafter 'Sykes'. Claims 4, 5, 20 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sykes. Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sykes in view of Schlitz ('459). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sykes and Schlitz and further in view of Frodigh *et al.* ('469) hereinafter 'Frodigh'. Claims 10 – 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sykes in view of Fenton ('416). Claims 21 – 23 were allowed.

The indication of allowed subject matter is gratefully acknowledged. For the reasons set forth more fully below, Applicants respectfully submit that the subject Application properly presents Claims patentable over the prior art. Reconsideration, allowance and passage to issue are respectfully requested.

As noted previously, the subject application teaches a novel receiver design by which first and second bands are received simultaneously, **each band having multiple carriers**. The novel receiver is particularly well suited for satellite radio applications by which **multiple carriers** are transmitted within first and second ensembles by first and second satellites and a terrestrial repeater. The invention is set forth in Claims of varying scope of which Claim 1 is illustrative. Claim 1 recites:

1. A receiver comprising:
first means for receiving signals in a first band, said first band including **multiple carriers**;
second means for downconverting said received signals in the first band;
third means for receiving signals in a second band, simultaneous with the reception of signals in said first band, said second band including **multiple carriers**;
fourth means for downconverting signals in the second band; and
fifth means for selectively outputting signals from the first band or the second band. (Emphasis added.)

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The cited references fail to render obvious the invention as presently claimed. That is, none of the references, taken alone or in combination, render obvious a receiver adapted to receive signals in first and second bands simultaneously, **each band having multiple carriers**, and adapted to selectively output signals from the first band or the second band.

In the above-identified Office Action, the Examiner relied heavily on Sykes. Sykes purports to teach a dual band digital broadcast receiver. The Examiner suggests that at col. 1, line 65 through col. 2, line 5 and col. 2, lines 53 – 58, Sykes teaches a receiver comprising first and third means for receiving signals in first and second bands, respectively, wherein each band includes multiple carriers. However, this assertion is clearly not supported by the teaching of the reference. Col. 1, line 65 through col. 2 read as follows:

Therefore, the present invention features means for receiving a first digital broadcast signal and reference information in a first frequency band, means for receiving a second digital broadcast signal in a second frequency band, and means for frequency-converting the first digital broadcast signal into the second frequency band, as directed by the received reference information.

and col. 2, lines 53 – 58 read:

Receivers such as the car receiver 12 in FIG. 1 receive the signal transmitted by the terrestrial transmitters 6, all of which are identical. Therefore when the car receiver is in a location between two transmitters and is receiving signals from both transmitters, these identical signals add constructively and enhance reception of the signal.

Clearly, no mention is made in the cited passages or elsewhere in the reference of any means for receiving signals in a band having **multiple carriers**. (Indeed, Applicants are puzzled as to why the allowability of numerous Claims was withdrawn in view of Sykes.) In any event, Applicants respectfully submit that Claims 1, 26 and the claims dependent thereon should be allowable.

In addition, as noted above, the Examiner rejected Claim 20 under 35 U.S.C. § 103(a) as being unpatentable over Sykes. The Examiner suggests that it would have been

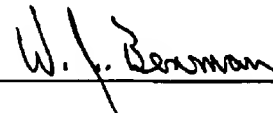
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obvious to modify Sykes with XM and CD band capabilities however, for the reasons set forth above, this assertion is erroneous. That is, inasmuch as Sykes does not have the capability to receive bands with multiple carriers, it would not be obvious as to how to modify Sykes to receive XM or CD bands. Indeed, without the hindsight benefit of the present application, it is not clear how Sykes could be modified as suggested by the Examiner. In the event the Examiner intends to maintain this rejection, Applicants request clarification as to how one of ordinary skill in the art could modify Sykes to teach the invention of Claim 20. In any event, Applicants respectfully submit that Claim 20 should be allowable as well.

Reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
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